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RELATING TO

MINES AND MINERALS

IN

NOVA SCOTIA.

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MINES AND MINERALS.

1. The word "Mine" in this Chapter shall mean any locality in which any vein, stratum, or natural bed, of coal, or of metalliferous ore, or rock exists, or shall, or may be worked. The verb "to mine," in this Chapter shall include any mode or method of working whatsoever, whereby the ore, earth, or soil, or any rock, may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold, coal, iron, copper, or any other ore, or metallic substance, and whether the same may have been previously disturbed or not. The term "gold-bearing quartz" shall be held to mean all auriferous rock *in situ*. "Alluvial mine" shall be held to mean gold-bearing earth or rock elsewhere than *in situ*. The terms "Commissioner" and "Commissioner of Mines" shall be held to mean the Commissioner of Public Works and Mines, and the term "Deputy" or "Deputy Commissioner" shall be held to mean Deputy Commissioner of Mines. "Lessee" shall include and mean sub-lessee or any person deriving title to a mine through a lessee of the Crown, unless such interpretation is repugnant to the context or to the spirit of this Chapter. Definitions of terms used in Chapter.

2. The office of the Commissioner of Mines shall be opened at ten of the clock in the forenoon and closed at four of the clock in the afternoon, except on Saturdays, when it shall be closed at one of the clock in the afternoon; and all applications for licenses or leases shall be made during such office hours; and all such applications made at other times shall be void. Mines office, when open. Applications at other times void.

3. The Governor in Council shall continue to be authorized to select and appoint, when and as often as occasion may require, a suitable person to act as Commissioner of Public Works and Mines for the Province, and suitable persons to act as Deputy Commissioners of Mines in the several gold districts hereinafter provided for, and to define the limits of the jurisdictions of such Deputy Commissioners respectively; and, by virtue of and during the continuance of such appointment, such Commissioners of Public Works and Mines within the Province, and such Deputy Commissioners within the gold districts for which they are respectively appointed, shall exercise the powers Governor in Council to appoint Commissioner of Public Works and Mines and Deputy Commissioners of Mines.

Commissioner and Deputies to have powers of Justices in certain cases.

of Justices of the Peace. Provided always, that no such Commissioner or Deputy shall act as a Justice of the Peace at any court of General or Special Sessions or in any matter out of Session, except for the administering of oaths, the preservation of the peace, the prevention of crimes, the detection and commitment of offenders, and the carrying out of the provisions of this Chapter.

Governor in Council to appoint Deputy Commissioner of Public Works and Mines for Province.

4. The Governor in Council is authorized to select and appoint, when and as often as occasion may require, a suitable person to act as Deputy Commissioner of Public Works and Mines for the Province, and to define the limits of his authority and jurisdiction; and by virtue of and during the continuance of such appointment, such Deputy Commissioner of Public Works and Mines shall within the Province exercise the powers of a Justice of the Peace in the same manner and with the same limitations as in the next preceding section contained as to the Commissioner.

Such Deputy to have powers of a Justice.

Governor in Council may appoint Inspector of Mines.

5. The Governor in Council is authorized to select and appoint, when and as often as occasion may require, a suitable person to act as Inspector of Mines, who shall be a competent, scientific, practical, mining engineer, whose duty it shall be to visit from time to time as may be deemed necessary, and inspect the various mines belonging to or under lease from the Crown, to ascertain if the laws, stipulations, and agreements relative to the working and management of such mines, and to the payment of rents and royalties accruing therefrom, are complied with; and if the same are being worked in a scientific, workmanlike and effective manner, due regard being had both to maintaining the value of such mines and providing for the safety of, and protecting, the persons employed therein, and any further duties that may be assigned to him under the provisions of this Chapter or of any other Act of the Province now in force or hereafter to be passed by the Legislature; and he shall from time to time report, in accordance with the facts, to the Commissioner. The salary of the Inspector of Mines shall be fixed by the Governor in Council.

Duty of Inspector.

Salary.

Commissioner and Deputies to hold office during pleasure, and give bonds.

6. The Commissioner of Public Works and Mines, the Deputy Commissioner of Public Works and Mines, the Deputy Commissioners of Mines, and the Inspector of Mines, shall each hold office during pleasure, and shall give bonds for the faithful discharge of their duties in such sums as may be fixed by the Governor in Council, and shall not be directly or indirectly interested in any mine or mining operations, or in the proceeds or profits thereof, nor shall any of them act as the agent or attorney of any person interested therein, under a penalty of one thousand dollars for every offence, to be recovered in the Supreme Court.

Shall not be interested in Mines &c.

Deputies ineligible to Assembly.

7. The Deputy Commissioner of Public Works and Mines, the Deputy Commissioners of Mines, and the Inspector of Mines, shall be incapable of being elected to, or of sitting or voting in, the House of Assembly; and any or either of them who shall so sit or vote shall forfeit two hundred dollars for every day on which he shall so sit or vote, to be recovered in the Supreme Court. None of such officers shall take any part or use any influence, directly or indirectly, in the election of any representative to sit in the Assembly, under a penalty of two hundred dollars for every such offence, to be recovered in the Supreme Court.

Shall take no part in elections.

OF GOLD MINES.

Governor in Council may proclaim gold districts.

8. The Governor in Council, on being satisfied of the discovery of gold in any locality, may, by proclamation in the *Royal Gazette* of this Province, declare such locality to be a gold district, and assign limits and boundaries to such district, and from time to time enlarge, contract, or otherwise alter such limits.

Areas of class number one in quartz mines.

9. Quartz mines shall, so far as local peculiarities or other circumstances may permit, be laid off in areas of one hundred and fifty feet along a quartz lode, and two hundred and fifty feet across, which shall hereafter be known and described as Class Number One.

Areas, how laid out and measured.

10. Areas shall be laid out, as far as possible, uniformly, and in quadrilateral and rectangular shapes. Measurements of areas shall be horizontal, and each area shall be bounded by lines vertical with the horizon.

Alluvial mines.

11. Alluvial mines not under lease at the time of the passing of this Chapter, and alluvial mines under lease at such time, but which shall hereafter be surrendered by their lessees or become forfeited to the Crown, shall be laid out, as far as local peculiarities will allow, as directed in the case of quartz mines, the courses of the respective boundary lines of such mines to be decided by the Commissioner; and the advance payments or rents and royalties shall be the same as those of quartz mines.

Record of applications for areas.

12. There shall be kept at the office of the Commissioner a book of record ~~for each proclaimed gold district, and one~~ for all unproclaimed districts or places in which applications for areas are made, wherein shall be entered all applications for areas, with the precise times of their being made, showing the descriptions of the areas applied for, the amounts paid, the names of the applicants in full, with the names of the parties paying, the amounts of roy-

alty received from the licensed mill owners, the names of the licensed mill owners, the amounts of royalty received from others than licensed mill owners, the names of the parties paying such royalty, the distinguishing numbers of the areas or the numbers of the leases covering the areas from which the gold was obtained, in respect of which such royalty was paid: and each Deputy shall keep a similar book of record for the gold district over which he has jurisdiction, in which similar entries shall be made respecting such district; and each Deputy shall each week forward a return to the office of the Commissioner, which return shall be a true transcript of the entries made in such book during the week previous to the making of such return, and shall then remit to the Commissioner the several sums so paid. Such books of record shall be open at all reasonable times to the inspection of all persons desiring to see the same.

Records kept by Deputies.

Returns to Mines office.

Plans of gold districts to be kept in Mines office.

Duplicates kept by Deputies.

13. The Commissioner of Mines shall cause to be prepared, and shall keep in his office, plans of all gold districts, with the areas numbered thereon, and on which all areas applied for shall be distinctly designated by numbers. Each Deputy shall prepare and keep a duplicate of the plan of the district under his jurisdiction, on which all areas applied for in such district shall be distinctly designated; and shall, in his weekly returns, report the distinguishing numbers of the areas applied for as indicated on such plan.

Applications for areas, to whom made.

14. All applications for areas shall be made to the Deputy Commissioners for the districts in which the areas are situated, if there be Deputies for such districts; and where there are no Deputies for such districts, or where the areas applied for are not within any proclaimed district, the applications shall be made to the Commissioner; and no such applications shall be received for areas already applied for or under license or lease.

Applications, how made.

15. Every application shall be in writing, defining the area or areas applied for, and shall be accompanied by a payment (except in the case of free claims under the provisions of this Chapter) of two dollars for each and every of such areas; and the Commissioner of Mines or Deputy Commissioner, as the case may be, receiving such application, shall endorse thereon the precise time of such receipt.

Mining leases, how executed.

16. Every lease granted under the provisions of this Chapter shall be executed, on the part of the Crown, by the Commissioner of Public Works and Mines, under his

hand and seal of office, and on the part of the lessee under his hand and seal, signed and affixed thereto by the lessee or his duly authorized attorney; and when a lease is executed by an attorney, the instrument conferring such power of executing shall be filed in the office of the Commissioner before such lease is executed by such attorney; and such lease shall be in the form in Schedule A, hereto annexed, and shall contain all the grants, demises, reservations, covenants, promises, provisions, conditions and agreements mentioned in or intended by said Schedule; and shall be subject to, and contain, the reservation of the rights of the owners of the soil, their heirs and assigns; and such lessee, his executors, administrators or assigns, where such lease is granted on private lands, shall, before making entry on such lands, obtain from the owners thereof permission to enter, either by special agreement or in accordance with the provisions of this Chapter. Form of leases.

17. When the holder of a lease of areas on private lands cannot make an agreement with the owner thereof, for leave to enter and for easements, and for damage to such lands, it shall be lawful for such holder to give notice to the owner or tenant to appoint an arbitrator to act with another arbitrator named by the lessee of the areas, in order to award the amount of damages to which the owner or tenant shall be entitled, by reason of the opening and working of a mine in such lands: and if any lessee shall enter and work upon the land leased before he shall have agreed with the owner of the land, or have proceeded to have his damages appraised, in accordance with this section, the owner may complain to the Supreme Court, who shall investigate the complaint, and if the same is substantiated, shall declare the lease to be forfeited. Assessment of damages in case of dispute between land owner and mining lessee, &c.

18. The notice mentioned in the last preceding section shall, when practicable, be personally served on such owner, or his agent if known, or tenant; and after reasonable efforts have been made to effect personal service, without success, then such notice shall be served by leaving it at the last place of abode of the owner, agent, or tenant. Such notice shall be served, if the owner resides in the county in which the land is situate, ten days; if out of the county and within the Province, twenty days, and if out of the Province, thirty days, before the expiration of the time limited in such notice. If the proprietor refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor in the time limited therefor in the notice provided for by the next preceding section, the Custos of the county wherein the lands lie Notice of arbitration, how served.

shall, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent, or tenant, or that such owner, agent, or tenant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent, or tenant, appoint an arbitrator on his behalf.

Mode of assessing damages by arbitrators.

19. All arbitrators appointed under the authority of this Chapter shall be sworn, before a Justice of the Peace, to the impartial discharge of the duties assigned to them; and they shall forthwith proceed to estimate the reasonable damages which the owners and tenants of such lands, according to their several interests therein, shall sustain by reason of the opening of necessary shafts and other excavations, the construction of roads and drains, the erection of necessary works and buildings thereon, and of the occupation of so much thereof (to be determined by the Inspector of Mines in the event of any dispute arising in respect thereof) as the lessee may require for all purposes connected with the opening and working of a mine to the most advantage thereon. In estimating such damages, the arbitrators shall determine the value of the land irrespectively of any enhancement thereof from the existence of gold or other mineral ores or metallic substances therein. In case such arbitrators cannot agree, they may select a third arbitrator; and when the two arbitrators cannot agree upon a third arbitrator, the Custos of the county in which the lands lie shall select such third arbitrator. The award of any two of such arbitrators made in writing shall be final.

Proceedings in cases of unknown, uncertain, or disputed ownership of lands.

20. When the person or persons entitled to such damages shall be unknown or uncertain, the lessee shall, by advertisement published in the *Royal Gazette* at Halifax, and in a newspaper (if any) published in the county where the lands lie, for at least thirty days, in which the lands shall be particularly described, call upon all persons having a right to such damages to appear before the Custos of the county in which such lands lie on or before a certain day therein named, to be not less than thirty days after the first publication of such advertisement, to appoint an arbitrator; and if an arbitrator is not so appointed on or before such day, the Custos and lessee shall each appoint an arbitrator, and all further proceedings shall be in accordance with the provisions of this Chapter; and the Custos shall receive all moneys awarded in such case, and pay the same over to the County Treasurer; and when the right to the ownership of the land shall be in dispute, the payment

for damages awarded shall in like manner be made to the Custos, who shall pay the same to the County Treasurer.

Party paying money under award not further liable.

21. Payment of such damages, by the party liable therefor, to the persons designated by the award as entitled thereto, or, if the award shall not designate the persons entitled, to such persons as, in the absence of any dispute, shall be ostensibly entitled thereto, shall exonerate the party making payment; but any persons subsequently claiming to have been entitled to the damages so paid, may prosecute their claims by action for money had and received against the persons to whom the payment shall have been made.

Disputed and unknown titles settled by Supreme Court.

22. In case of disputed or unknown title, the Supreme Court, or a Judge thereof, on application of the claimant shall order the damages paid to the County Treasurer to be paid to the persons who, on due investigation by such Court or Judge, shall have established their right thereto; but no order shall be made until it shall be shown that notice has been given sufficient, in the judgment of the Court or Judge, to protect the rights of all persons who may be, or who may claim to be, interested.

Lessee or licensee not implicated.

23. The lessee, or licensee, shall not be implicated in controversies between persons contesting title to the damages.

Where amount of award is certain it shall not be set aside.

24. In no case in which the award shall find the amount of damages with sufficient certainty, shall such award be set aside, because the persons entitled to damages are not designated by name, or sufficiently designated, or by reason of irregularity as to the persons entitled, or of any matter of form; but the Supreme Court or Judge shall rectify any error or informality, or shall adopt such proceedings as may be necessary for determining to whom the damages may be paid, or for otherwise carrying into effect the provisions and intent of this Chapter.

Licensees or lessees liable for damages arising from works.

25. The parties obtaining licenses and leases under this Chapter, and those deriving title under them, shall be answerable for damages that may ensue from the falling in of land, or for other injury which may be sustained by the owners or tenants of such lands subsequent to the agreement for, or award of, damages required by the foregoing sections, by reason of the works of the parties obtaining licenses or leases, or of those under them, or deriving title from or through them.

Term of leases, &c.

26. All leases shall be for the term of twenty-one years; but the holder of any such lease may, at any time, surrender the same by notice in writing, signed by him,

and filed, together with his counterpart of lease, in the office of the Commissioner; but nothing herein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any act, matter or thing, for which at the date of such surrender, he was liable under the terms of such lease.

Leases, how forfeited.

27. Such leases may be forfeited on failure to pay the stipulated royalties—other than those arising from quartz crushed at a licensed mill—or to keep employed annually on the demised premises the number of days' labor hereinafter specified, or to comply with any other of the provisions and stipulations in the leases contained.

How lessee shall use demised lands.

28. The holder of any such mining lease shall not use any part of the lands so demised for any other purposes whatsoever, except such as shall be necessary for making roads, opening drains, erecting necessary works, buildings, and all other purposes connected with the opening and working such mines to the most advantage; and all necessary ways and watercourses over the demised premises, whether expressly reserved in such lease or not, shall be considered as reserved to the Crown, and in respect to the making, alteration, and use thereof, shall be subject to such orders and regulations as the Governor in Council may, from time to time, consider expedient; and all licensees and lessees and other persons employed about the mines on such demised premises, shall use the lands in such manner as will be least injurious to the owners and occupants of such lands, or any other lands lying contiguous thereto.

Amount of yearly labor on mining areas.

29. There shall be employed each year on the demised premises a number of days' labor equivalent to one hundred days for every number one area comprised therein. The year for this purpose shall be computed from the first day of January, April, July or October, which shall first ensue after the date of the lease; unless the lease shall be dated on one of such days, in which case the year shall be computed from the date of the lease: but any lessee holding ten or more, but less than twenty areas of class number one, in any gold district, will not be required, during the first year of his holding, to keep employed more than three-fourths of the number of days' labor above required to be performed per area; in like manner, if holding twenty or more, but less than thirty of such areas in the same district, he shall be required to keep employed only one-half; and if holding thirty or more, only one-fourth the above required number of days' labor, during such first year.

Proviso.

Mode of computing number of days' labor.

30. In computing the number of days' labor employed by any lessee, at the termination of any year, all or any of the leases which he at the time holds of mining areas in any one district, which leases shall not contain a total of more than one hundred areas, may, for this purpose be tacked and considered as one lease; and if it is ascertained that an amount of labor equal to the whole amount which he is required to have performed upon the whole of the said areas, has been actually expended upon any one or more of said areas, the law in this respect shall be held to have been complied with, although the lessee may not have employed upon the areas in each separate lease the number of days' labor required by the last preceding section.

Partial forfeiture of mining areas, proceedings in case of.

31. Where a lessee shall have employed in any one year a part only of the amount of labor required to be performed by him annually upon the premises demised to him in any one district, or under any one lease, the whole of the areas held by him in such district, or under such lease, shall not necessarily become forfeited therefor, but only a part of such demised premises proportioned to the number of days' labor which such lessee has failed to perform, shall become forfeited; and such lessee shall make selection of that part of the demised premises which he will retain. To avail himself of the provisions of this section, a lessee must make known his selection by notice in writing to the Commissioner within ten days after the termination of the year for the non-performance of labor during which a portion of the premises demised to him becomes forfeited; and the areas selected by him to be retained shall, so far as possible, be in a compact block and not detached from each other, and no number one area shall be divided in making such selection. Should any one lease contain areas thus retained and also areas which are forfeited, such lease shall be surrendered by the lessee, who shall receive a new lease of the areas so retained.

Forfeited mine vested in Crown.

32. When, from any cause whatever, a leased mine shall become forfeited to the Crown, under the proceedings directed by the sixty-seventh section of this Chapter, all the right, title and interest which the holder of such forfeited lease had therein immediately previous to such forfeiture, shall, upon such forfeiture, become thereby vested in the Crown; but the lessee of any mine may during his lawful occupancy thereof, take down and remove any houses, buildings, machines or other erections built or placed by him thereon, notwithstanding that the same may be considered in law as attached to the freeho

Proviso.

Applications for leases elsewhere than in proclaimed districts, &c.

33. Applications may be made for a lease of a mine upon lands not lying within any proclaimed gold district; and in such case the rights of parties and the proceedings to be taken with reference thereto, shall be governed, as far as possible, by the spirit and provisions of this Chapter. Parties occupying and staking off areas corresponding in size with those prescribed hereby, shall be entitled to priority in the order of their making application. Every such applicant shall be entitled to one week, and thereafter to twenty-four hours' time for making his application, for every fifteen miles' distance of the mine applied for, from the office of the Commissioner at Halifax. In case the lands so applied for shall afterwards be included within any gold district, and laid off as hereinbefore prescribed, the rights of the occupants shall be respected so far as is consistent with the terms of this Chapter, on adjusting the boundary lines between the parties in occupation.

Mining areas leased before 1st April, 1864.

34. In all cases where mining areas have, previous to the first day of April, 1864, been leased, or have been occupied by virtue of a Gold Commissioner's authority, on private lands not subsequently revested in the Crown, and with respect to which no agreement has been made, nor was on the said first day of April being negotiated, for land damages between the lessee and the owner of the soil, the Commissioner shall proceed to arrange with the owners of the soil for such damages, by mutual agreement, or arbitration, and to pay such damages, in the manner and form prescribed by the seventeenth and subsequent sections of this Chapter, for applicants for mining leases; and in such cases the Commissioner shall occupy, so far as circumstances will permit, the same position relative to the owners of the soil which, under the sections above referred to, would be held by an applicant for a mining lease on private lands, whose application is made after the passing of this Chapter.

Assessment of damages.

Prospecting licenses.

35. The Commissioner of Public Works and Mines may issue licenses to search for gold, to be called "Prospecting Licenses," which shall be subject to the rules prescribed by this Chapter.

Shape and size of prospecting areas.

36. Any such license may include any area not exceeding one hundred acres in extent, so as the same shall be laid off in quadrilateral and rectangular figures, and shall not in length exceed double the breadth thereof.

Duration of license.

37. Such license shall be in force for any period not exceeding three months from the date thereof.

Applications for prospecting licenses.

38. All applications for prospecting licenses shall accurately define by metes and bounds the lands applied for, and shall be accompanied by a payment at the rate of fifty cents per acre for every acre up to ten acres in extent, and of twenty-five cents for every acre in addition to that extent.

Bond to be given by applicant.

39. Before such license shall be granted the applicant shall enter into a bond with two sureties to the satisfaction of the Commissioner, to recompense the proprietor of the soil, in the event of entry being made on private lands, for damages done to his lands; to make the returns at the expiration of the license and of the renewal, and to pay the royalties hereinafter required.

Damages against licensee, how assessed.

40. If the proprietor of private lands so entered upon shall seek damages, he shall, before the end of three months after the expiration of the license, make his claim in writing against the holder of such license, detailing the particulars and amount of claim; and if the claim is not adjusted by agreement between the parties within one month after notice thereof as aforesaid, it may be settled by arbitration in accordance with the provisions of section 17 and subsequent sections of this Chapter; but in such case either of the parties may give the required notice to appoint an arbitrator, and the Custos of the county may appoint an arbitrator on behalf of either of such parties neglecting or refusing to make such appointment.

Renewal of license.

41. The holder of a prospecting license who shall have fulfilled all the terms and conditions thereof, shall be entitled to a renewal thereof for a second period of three months, upon like terms and conditions, except that the price of the same space shall be only half that paid on the previous application.

Licensee may select areas for lease.

42. Within the period for which the license, or renewed license, is granted, the party holding the same shall be entitled to select any area or areas, comprised therein, of the size and form described in this Chapter; and shall be entitled to a lease of the areas selected upon the terms imposed herein.

Lessee or licensee not to enter upon buildings, gardens, &c.

Exception.

43. No lease, nor any prospecting license, shall authorise entry upon any buildings, or the curtilage appertaining to any house, store, barn, or building, or upon any garden, orchard, or grounds, reserved for ornament, or under cultivation by growing crops, and enclosed; except with the consent of the occupier, or by license from the Governor in Council, authorizing such entry, to be granted on special

application, setting forth the circumstances under which the same is applied for, and on such terms as the case may require.

Royalty.

44. On all leases of gold mines and prospecting licenses to search for gold, there shall be reserved a royalty of two per cent. upon the gross amount of gold mined.

Person building crusher exempt from royalty in certain cases.

45. Any miner or person building an efficient crusher of not less than eight stamps, in a locality not less than ten miles from any other efficient crusher, shall be entitled to a lease of not more than ten number one mining areas, free from advance payment or royalty, for twenty-one years. Such lease shall contain all the conditions and stipulations of ordinary gold mining leases, excepting stipulations for payment of royalty.

Mills must be licensed.

46. It shall not be lawful for any person to use or employ any mill or machinery (other than mills or machinery worked by hand) for the crushing or reduction of quartz, or the obtaining of the gold therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained.

Signed by Commissioner.

47. Such license shall be signed by the Commissioner of Mines.

Licensed mills, &c., defined.

48. The words "licensed mills," when used in this Chapter, shall signify mills and machinery so licensed, and the words "licensed mill owner," the person or persons to whom such license shall be granted.

Bond to be given by mill owner.

49. Before any such license shall be granted, the party applying therefor shall enter into a bond to Her Majesty in the penalty of two thousand dollars, to comply with the requirements of this Chapter in respect of licensed mill owners.

Licensed mill owners to keep books of account.

50. Every licensed mill owner shall keep on the demised premises a book or books of account to be supplied by the Commissioner of Mines, which shall at all times be open to the inspection and examination of the Commissioner of Mines, or the Deputy, or the Inspector of Mines, or any other person thereto authorized by the Commissioner of Mines; in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated, or reduced at such licensed mill, and the following particulars in respect of the same:

I. The name of the owner or owners of each distinct parcel or lot of quartz crushed.

II. The weight of each such parcel or lot.

III. The date of the crushing of the same.

IV. The actual yield in weight of gold from each such parcel or lot.

V. The royalty thereon, calculated at two per cent.

VI. The mine or area (so far as the same is known or can be ascertained) from which each such parcel or lot was raised.

Mill owner to pay royalty.

51. Each licensed mill owner shall pay or cause to be paid, in money, in weekly or other payments, as the Commissioner of Mines shall order, to the Commissioner or to the Deputy Commissioner for the district, a royalty of two per cent. on the gross amount of gold obtained by amalgamation or otherwise in the mill of such licensed mill owner, at the rate of nineteen dollars an ounce troy for smelted gold, and eighteen dollars an ounce troy for unsmelted gold.

Mill owner not paying royalty liable to action.

52. In case any licensed mill owner shall fail to pay such royalty in the mode or at the times prescribed by or in accordance with this chapter, he shall be liable to an action at the suit of the Commissioner of Mines as for money had and received to the use of such Commissioner; and such action may be brought, according to the amount of the claim, in the same Court which would have jurisdiction in case the amount claimed were an ordinary private debt.

Mill owner to make monthly returns under oath.

53. Every licensed mill owner shall file in the office of the Deputy Commissioner for the district on the first day of the month, or, if there be no Deputy Commissioner for the District, then in the office of the Commissioner of Mines, on or before the tenth day of each month, a return, being a copy of the entries in such book or books of account, for the last preceding month, as prescribed by the fiftieth section, which return shall be verified by the affidavit of the person principally employed in keeping such account, sworn before the Commissioner, Deputy Commissioner, or a Justice of the Peace; and, on failure, to make such return or to verify the same as aforesaid, the license of any mill owner may be revoked by the Commissioner of Mines, subject to appeal, as prescribed in section 56 of this Chapter.

Penalty for unlicensed milling.

54. Any owner or part owner of any mill or machinery for the crushing or reduction of quartz or for the obtaining of gold therefrom (other than mills or machinery worked by hand) which shall be engaged, used or employed for the crushing or reduction of quartz, or the obtaining of gold therefrom, without a license therefor first had and obtained as prescribed by this Chapter, and any person engaged

as agent, servant, workman, clerk, or otherwise, in any such mill, shall forfeit and pay the sum of four hundred dollars for each such offence; and for every day in which such offence shall be committed, the same shall be considered a new offence.

Fraud, how punishable.

55. When the account books prescribed by this Chapter, or any of the accounts hereby required, shall be fraudulently or falsely kept, or the affidavits hereby prescribed, or any of them, shall be false or fraudulent, the license to the mill in respect of which the offence has been committed, may be revoked.

Decision of Commissioner not final.

56. The Commissioner of Mines shall have authority to inquire into any such alleged fraud, and to revoke such license if satisfied that such fraud has been committed; but his judgment shall be subject on appeal to the revision of a Judge at Chambers, who shall make such order in respect to the same as shall be agreeable to law and justice, and if he thinks fit may order any question of fact to be tried by a jury.

Further penalty for fraud.

57. In addition to the forfeiture of license, any licensed mill owner in respect of whose licensed mill such fraud shall have been committed, shall be liable for each offence to a penalty of not more than two thousand dollars, to be recovered in the Supreme Court, in the name of the Commissioner.

Commission to licensed mill owner.

58. Every licensed mill owner who shall in all respects have complied with this Chapter, shall be entitled to receive from the Commissioner of Mines, at the end or expiration of every three months from the date of his license, a sum equal to five per cent upon the amount paid over by him as royalty during such period; but no such per centage shall be paid in the case of free leases.

Exception.

Mill license, how surrendered.

59. A licensed mill owner may at any time surrender his license by delivering the same into the office of the Commissioner of Mines, with a written surrender endorsed thereon: but no such surrender shall take effect till after the lapse of ten days from the filing, at the office of the Commissioner of Mines, of a notice in writing of the intention of such mill owner to surrender the same.

Effect of surrender.

60. Upon such surrender taking effect as aforesaid, such mill shall cease to be a "licensed mill," until again licensed under the provisions of this Chapter.

Construction of mill owner's bond.

61. The licensed mill owner so surrendering his license and his sureties shall remain liable under their bond for all obligations accruing thereunder up to the time when the surrender takes effect, as aforesaid, but shall not be liable for obligations accruing thereafter.

Lessees of mines to make quarterly returns.

62. Lessees of mines shall be bound to make to the office of the Commissioner of Mines, or to the Deputy Commissioner for the district, within ten days after the first days of January, April, July, and October in each year, true and correct returns to the best of their knowledge and belief, on forms to be supplied by the Commissioner of Mines, in which shall be comprised the following particulars:

I. The number of days' labor performed on the demised premises during the preceding quarter.

II. The number of tons of quartz raised from the demised premises during the preceding quarter.

III. The person or persons to whom the same has been sold, or disposed of, and the different lots or parcels in which the same has been sold or disposed of, with dates.

IV. The weight of all quartz sent by him during the quarter to any licensed mill, and the name and description of the mill to which the same has been sent; and when the same has been sent and kept in distinct parcels, the weight of each separate parcel.

V. The yield of each separate parcel or lot, as returned and allotted by the mill owner, with the date of allotment.

VI. The total quantity of gold obtained from the mine in any manner during the quarter, distinguishing that resulting from the quartz crushed at licensed mills from the gold otherwise obtained.

Such returns shall be verified by affidavits to be made before the Commissioner of Mines or one of the Deputies, or a Justice of the Peace.

Lessee's liability for royalty.

63. The lessee of each mine shall be liable for royalty upon all gold obtained from his mine in any other way than from quartz crushed by licensed mills; but he shall be exempt from any claim in respect of gold obtained from quartz so crushed, the liability of the mill owner for such royalty being substituted for that of the lessee.

Royalty repaid to owner of free mine.

64. When any parcel of quartz from a free mine shall have been crushed at a licensed mill, the owner of the quartz, on proof of the facts to the satisfaction of the Commissioner of Mines, shall be entitled to receive from the Commissioner of Mines the amount deducted by the licensed mill owner, and paid as royalty under the provisions of this Chapter.

Lessee not paying royalty liable to action.

65. In case any holder of a lease granted under this Chapter shall fail to make payment of any royalty accruing under the terms of section 63 within ten days after the

time prescribed by this Chapter for making his return to the Commissioner of Mines or the Deputy Commissioner for the District, he shall be liable to an action at the suit of the Commissioner of Mines, as for money had and received to his use for the value of the royalty so accruing.

In name of Commissioner as for private debt.

66. Such action may be brought, according to the amount claimed, before the same court which would have jurisdiction in case the amount claimed were an ordinary private debt; and on a change of Commissioner of Mines, actions prosecuted by him shall be continued and prosecuted by his successor in such manner as the court shall direct; and a Commissioner may prosecute in his own name, as for money had and received to his use, although the same shall have become due to a previous Commissioner.

Lessee to receive thirty days' notice of intended forfeiture of lease.

67. In any case of liability to forfeiture of any gold mining lease for non-compliance by the lessee with the terms, stipulations, and conditions therein contained, or by this Chapter required, the Deputy Commissioner for the District, or (if the leased premises are not within a proclaimed gold district, or are in a gold district where there is no Deputy Commissioner) the Commissioner of Mines, shall cause a notice in the form in Schedule E to be personally served upon the lessee (or some or one of the lessees, where more than one are included in the lease) or his agent or person principally employed on the premises, or shall cause such notice to be posted upon the premises leased where no person can be found upon whom to make service thereof, informing him of such charge and appointing a time (not less than thirty days after the service or posting of such notice) and place for the investigation of the same; and a duplicate of such notice shall also be posted up in the office of the Commissioner and another in that of the Deputy for the District, if any there be, for at least thirty days next previous to the time so appointed; and such duplicate shall be kept so posted for at least thirty days after the investigation and decision of the case, with the decision and the date of such decision briefly noted thereon.

Duplicate notices, where posted and how long.

Proceedings antecedent to forfeiture.

68. At the time and place appointed the Commissioner or Deputy who issued the notice shall proceed to investigate such case, and the service and posting of the notice shall be proved, either orally at the investigation, or by affidavit sworn before a Commissioner of the Supreme Court. Upon proof of such notice, and upon hearing the evidence relating to the case, which shall be taken in writing and signed by the witnesses, the Commissioner or Deputy, as

the case may be, on being satisfied of the non-fulfilment of the conditions of the lease, or of the provisions of this Chapter, shall give judgment forfeiting the lease and re-vesting the premises in the Crown: and such judgment shall be in the form in Schedule F, and shall be signed by the Commissioner or Deputy Commissioner who shall have heard the case. Judgment of forfeiture, form of.

69. In case the judgment is given by a Deputy Commissioner he shall in every case forward to the Commissioner of Mines the decision, with all papers connected therewith; and such Deputy Commissioner shall keep true copies of such papers in a book to be kept for that purpose. Deputy to forward decision, &c., to Commissioner.

70. If within thirty days after the decision the lessee, against whom the decision was made, or any person acting on his behalf, give notice to the Commissioner of Mines that he is aggrieved at the decision of the Deputy Commissioner, and appeal against it, the Commissioner shall appoint a time and place for hearing such appeal, of which such lessee shall have reasonable and timely notice; and at such time and place the Commissioner shall proceed to investigate the case anew and decide upon the whole facts thereof. Appeal from Deputy to Commissioner.

71. From the judgment of the Commissioner of Mines, either in the first instance or on appeal, the party interested may appeal to a Judge at Chambers, provided that notice of such appeal be given to the Commissioner of Mines, if in the first instance within thirty days, or on appeal within ten days from the date of his decision; provided also that the party appealing shall, on applying for such appeal, make and file with the Commissioner of Mines an affidavit that he is dissatisfied with such judgment, and that he verily believes the lease has not been forfeited, and that the conditions in respect of which the forfeiture has been declared have really and truly been performed and fulfilled, and shall within the time limited for appeal enter into a bond with two sufficient sureties in the penalty of fifty dollars, to enter and prosecute his appeal according to the provisions hereof, and pay all costs which may be adjudged against him by the Court of Appeal. Appeal from Commissioner to Judge, how made.

72. On such appeal being perfected the Commissioner of Mines shall transmit to the Prothonotary at Halifax the notes of testimony taken before him; and the Judge at Chambers shall confirm or set aside the judgment, or make such order thereon as is agreeable to justice and in conformity with law. Decision of Judge.

73. If the Judge shall consider that the case involves questions of controverted fact on which he is of opinion that the verdict of a jury should pass, he may make an He may refer questions of fact to a jury.

order for the trial of the questions of fact in the county where the land lies, in which case all the papers shall be transmitted to the Prothonotary of that county; and the cause shall come on for trial in its place in the same way as ordinary appeals ordered to be tried by a jury.

Final judgment, effect of.

74. Upon the finding of the jury on the facts, the Judge shall pronounce judgment on the whole case. So soon as judgment declaring forfeiture of the lease shall be given, either by a Deputy Commissioner without appeal, the Commissioner without appeal, or by the Court of Appeal when the Commissioner's judgment is appealed from, the lessee and all persons holding under him shall thereafter cease to have any interest in the mine leased, and a minute of the judgment declaring forfeiture shall be registered in the office of the Commissioner of Mines on the expiration of the time limited for appeal, in the same manner as prescribed by this Chapter for leases and transfers; and the leased premises shall then be open to be leased to any other applicant in the same way as if no lease thereof had ever passed: and pending the proceedings between the delivery of the first judgment and any subsequent judgment on appeal therefrom, such lessee shall suspend all mining operations on the area alleged to be forfeited; otherwise he may, at the discretion of the Commissioner, be liable to be treated as a trespasser as hereinafter directed.

No applications for forfeited areas received until final judgment.

75. No applications for leases, or prospecting licenses for forfeited areas, shall be received until the time limited for appeal has expired, and all appeals are finally determined, and the judgment declaring forfeiture registered, as herein provided.

Judgment of forfeiture, how enforced.

76. The Commissioner of Mines shall have power by warrant, under his hand and seal, addressed to the Sheriff or any constable of the county wherein the gold district lies, to cause any person unlawfully in possession of a mine so adjudged to be forfeited, to be removed from the possession and occupation thereof; and, upon receipt of such warrant, the Sheriff or constable to whom it is directed shall immediately execute the same.

Penalty for unauthorized mining.

77. Any person found mining in any land belonging to the Crown, or to a private proprietor, the minerals in which belong to the Crown, or entering thereon for the purpose of mining, shall be liable to a penalty for each offence of not less than ten dollars nor more than fifty dollars; but this section shall not extend to parties prospecting or searching for mines.

78. Parties violating the provisions of the preceding section shall be considered guilty of a distinct offence for every day they shall unlawfully mine. Each day a distinct offence.

79. On complaint in writing made to any Justice of the Peace of the county in respect of such unlawful mining or entry to mine, the Justice shall issue his warrant to apprehend the offender and bring him before the Justice to answer the complaint,—such Justice shall thereupon forthwith enter upon the investigation of the complaint; and, in case he shall find the party guilty, impose such fines or penalties as the party may have incurred under the the provisions of this Chapter. In case the defendant requires time for the production of witnesses for the defence, the Justice shall adjourn the investigation for any period not exceeding six days, on being satisfied by affidavit that such time is required for that purpose; and in such case, the defendant shall be committed to gaol, unless he gives security to the satisfaction of the Justice to appear at the time and place appointed for such adjourned investigation. Mode of prosecuting for such mining.

80. The decision of such Justice shall be subject to appeal, as in ordinary cases; but before such appeal shall be allowed, the appellant shall give a bond, with sufficient sureties in double the amount of the penalty and costs, to appear in the Supreme Court and obey the judgment thereof, and pay such costs as the Court may award. Appeal from Justice's decision.

81. Gold in quartz or otherwise, unlawfully mined on the property of any lessee of the Crown, shall be considered in law the personal property of the owner of the mine; and a search warrant may be issued for the same by any Justice of the Peace for the county, in the same manner as for stolen goods; and, upon the recovery of any gold under such warrant, the Justice shall make such order for the restoration thereof to the proper owner as he shall consider right. Gold unlawfully mined shall be personal property of owner of mine. How recoverable.

82. Nothing in this Chapter contained shall prevent Her Majesty from having or using any other remedy now available to recover possession of any mine forfeited from causes cognizable before the Commissioner of Mines, or from any other cause from which the same may be liable to forfeiture. Nothing herein to affect existing remedies on part of Crown.

83. Any party aggrieved by a decision of the Commissioner of Mines respecting any application for a prospecting license, or a lease of a gold area, or a license to search, or a license to work, of any area other than a gold area, may appeal from such decision to the Supreme Court, at the next term thereof, at Halifax. Appeal from Commissioner's decision as to application for license or lease.

Manner and conditions of appeal.

84. Any party desiring to appeal from such decision shall give notice in writing to the Commissioner of his intention to appeal within twenty days after such decision, or within twenty days after such decision being made known to the party dissatisfied therewith, but always within one year from the date of such decision; and shall make and file with such notice an affidavit, sworn to before a Commissioner of the Supreme Court, that he is dissatisfied with such judgment or decision, and that he verily believes he is entitled to the license applied for, and shall also set forth therein the grounds of his appeal, and shall within ten days thereafter enter into a bond with two sureties, in the penalty of two hundred dollars, to enter and prosecute his appeal, according to the provisions of this Chapter, and pay all costs which may be adjudged against him by the Court of Appeal; and thereupon the Commissioner shall file such notice and affidavit, together with all papers and documents connected with such appeal, with the Prothonotary at Halifax, on or before the first day of such term.

Sections 8 to 84, both inclusive, to apply only to gold mines.

Exceptions.

85. The provisions of the foregoing sections from 8 to 84, both included, shall apply exclusively to gold mines; except where any of such sections are expressly mentioned to apply to mines other than gold mines, or where the provisions of such sections are extended to mines other than gold by the subsequent sections of this Chapter.

OF MINES OTHER THAN GOLD MINES.

Licenses to search, how granted.

86. The Commissioner of Mines may upon application grant licenses to search to be in force from one year from the date of application therefor, to enter upon any lands in this Province, not already under license or lease for mining purposes, and to dig and explore for such minerals, ~~other than gold~~, as the Crown holds for the benefit of the Province; a bond being first given to the Commissioner of Mines with sufficient sureties, to be approved by a Committee of the Executive Council, that in the event of entry being made upon private lands, recompense shall be made for damages in the manner hereinafter provided.

Fee.

License not to cover more than five square miles.

87. No such application shall be valid unless accompanied by a payment of twenty dollars; and the license to search may cover any single tract of ground not exceeding five square miles in extent, but not more than two and a half miles in length.

Survey and description of lands, &c.

88. Upon such application and payment being made, the Commissioner of Mines, where necessary, shall cause the lands applied for to be surveyed and laid off, and a full

description thereof shall be embodied in the license to search, but no such license shall authorize entry upon any lands which in accordance with section 43 of this Chapter are forbidden to be entered upon, except as in that section excepted.

Survey, &c., to be at cost of licensee, who shall report to Commissioner.

89. The cost of such survey shall be defrayed by the licensees or lessees, and the search for minerals under such licenses shall be made free of all expense to the Government; and the holder of the license shall within the time that the same shall be in force, and with all convenient speed, make a full and correct report of the result of his exploration to the Commissioner of Mines.

License, how renewed.

90. The said license to search may be renewed for a further period of twelve months, on application therefor to the Commissioner of Mines, setting forth the special circumstances of the case, not less than thirty days before the expitation thereof, and on payment of the further sum of twenty dollars; subject, however, to the approval of the Governor in Council, upon consideration of the special circumstances submitted.

Separate licenses to search over same area granted under certain conditions.

91. When a license to search for mines other than gold has been granted, it shall be lawful for the Commissioner of Mines to grant other licenses to search over the same area; provided that he shall grant no more licenses than there are areas, of one square mile each, contained within the area so first licensed; and after the first licensee has chosen his one square mile the others shall select theirs in the order of their licenses—provided that the right of search of the second licensee and his license shall commence immediately after the expiration of the license or renewed license of the first licensee or on the selection of his square mile by the first licensee; and the third licensee shall commence at the end of the right of search of the second or his selection of his square mile as aforesaid, and so on until the whole area is disposed of.

Damage ascertained as in case of gold mines.

92. If the proprietor of private lands entered under such license shall seek damages, the proceedings for ascertaining the amount of such damages, and making payment of the same, shall be the same as provided for by this Chapter in the case of prospecting licenses for gold.

Licensee may select a square mile, and apply for license to work.

93. The holder of a license to search may at any time before the expiration thereof, select from the land covered by such license, an area of one square mile, for the purpose of working the mines and minerals therein; and may make an application in writing to the Commissioner of Mines for a license to work the same, which application shall be accompanied by a payment of fifty dollars.

Fee.

Survey. ¼ of square mile at cost of licensee.

94. Upon such application and payment being made, the Commissioner of Mines shall cause the portion so selected to be surveyed and laid off, and the applicant shall defray the expense of such survey, which said portion shall be in one block, the length of which shall not exceed two and a half miles; and the person making such survey shall make a full and accurate plan thereof, and transmit the same to the Commissioner.

Certain provisions as to private lands and forfeited areas applicable as in case of gold mines.

95. All the provisions herein contained relative to settlement by agreement or arbitration, with the owner of the soil, where the same is private land, for damages done to his land, and to payment therefor, as set forth in sections 17 to 25 inclusive, and to the occupation of such lands as set forth in section 28, and to the exemption of certain descriptions thereof from liability to be entered as specified in section 43, and to the vesting of interests forfeited under this Chapter, as specified in section 32, shall be applicable and in force in the case of mines other than gold mines, equally as in gold mines.

Granting of license to occupy and work.

96. Upon complying with the requirements of this Chapter the applicant shall be entitled to a license to occupy and work the one square mile applied for; the bond given for the license to search, under which the license to work was obtained, remaining in full force and virtue.

License to work to cover two years from application and renewable for one year.

97. Every license to occupy and work shall be for a term of two years from the date of application, and shall be extended to three years upon the additional payment by the holder of the license of one half of the amount originally paid for such license; and within such term the holder of the license shall commence effective mining operations, and shall continue the same in good faith until the termination of such term; and in case the same person shall hold licenses to work over several areas adjoining each other, not to exceed five areas, the Commissioner of Mines shall determine what shall be sufficiently effective mining operations over all the areas combined.

Case of holder of several adjoining areas.

Lease how grantable to holder of license to work.

98. The holder of a license to occupy and work, or those representing him, having complied with the terms of the last preceding section, shall on, or before, the termination of his license, be entitled to a lease of the premises described therein, which lease shall contain all the ordinary provisions of mining leases, with such conditions as the Governor in Council may think necessary to ensure the effective and safe working of the mines on such premises.

License to occupy and work in first instance, how granted.

99. Any party may apply for a license to occupy and work any vacant mine, without having previously obtained or applied for a licence to search, and in such case his application shall embody a description of the area applied for; and upon complying with all the antecedent conditions hereinbefore set forth, except those which relate solely to licenses to search, and a bond being given to the Commissioner of Mines as for a license to search, he shall be entitled to such license to occupy and work.

Governor in Council may permit lease or license to occupy and work covering more than a square mile.

100. The Governor in Council may, by special order, authorize the granting a lease, or license, to occupy and work a larger area than one square mile, if on investigation of the special circumstances of the case he may think the public interests would be better subserved thereby, and in such case may impose such further conditions, not at variance with the spirit of this Chapter as may be deemed just.

Leases executed in same manner as gold leases.

101. Leases of mines other than gold mines, granted under the provisions of this Chapter, shall be executed by the Commissioner and the lessee in the same manner as provided in section 16 of this Chapter for leases of gold mines.

Form and duration of leases of coal mines.

(a) Leases of coal mines shall contain all the conditions, provisions, provisos, and reservations heretofore contained in such leases, or that may be required under the provisions of this Chapter, and shall terminate on or before the twenty-fifth day of August, one thousand eight hundred and eighty-six.

Of other mines.

(b) Leases of mines other than gold or coal mines shall be for the term of twenty years, and shall contain all the conditions, provisions, provisos, and reservations usually contained in such leases, or that may be required for the safe and proper working of the mines, or that may be required by an order of the Governor in Council, or by this Chapter or any Act hereafter passed by the Legislature of this Province: and such leases may be renewed on the same terms and conditions as provided in section 102 as to coal mines, but such renewals shall not extend or be construed to extend to a period beyond sixty years from the date of the lease.

Renewals not to extend beyond 60 years.

Surrender of lease same as of gold lease.

(c) Any lease may at any time be surrendered by the lessee in the same manner and upon terms similar to those hereinbefore prescribed for the surrender of a gold mining lease.

Coal lease not transferable without permission of Governor in Council.

(d) A lessee of a coal mine granted under this Chapter or any Act passed by the Legislature of this Province shall not at any time during the term of his lease, or any renewal

thereof, assign, transfer, set over or otherwise part with the premises granted, or any part thereof, or such term or any portion thereof, to any person whomsoever, without the license, consent, or approbation of the Governor in Council, first had and obtained for the purpose, and signified under the hand and seal of the Commissioner of Mines.

Coal leases, how renewable.

102. Lessees of coal mines in this Province, their executors, administrators and assigns, holding leases from the Crown, or from the Commissioner of Mines, made since the first day of January, A.D. 1858, or hereafter to be made, shall, upon giving notice in writing to the Commissioner of Mines at least six months previous to the expiration of such leases, respectively, of their intention to renew such leases respectively, for a further period of twenty years from the expiration thereof, be entitled to a renewal thereof, for such extended term upon the same terms, conditions and covenants, as contained in the original lease, and in like manner upon giving a like notice before the expiration of such renewal term, to a second renewal and extension of term of twenty years from and after the expiration of such renewal term, and in like manner upon giving like notice before the expiration of such second renewal term, to a third renewal and extension of twenty years from and after the expiration of such second renewed term; provided that at the time of giving such notices, and the expiration of such terms, respectively, the said lessees, their executors, administrators, and assigns, are and shall continue to be *bona fide* working the areas comprised within their respective leases, and complying with the terms, covenants, and stipulations in their respective leases contained within the true intent and meaning of section 1 9 of this Chapter; and provided that in no case shall such renewal or renewals extend, or be construed to extend, to a period beyond sixty years from the twenty-fifth day of August, A.D. 1886.

Limitation.

New leases grantable to holders of existing leases.

103. New leases in accordance with the provisions of this Chapter may be executed to all parties now holding leases which will expire in the year 1886.

Renewal of lease of General Mining Association.

104. The General Mining Association shall, at the expiration of the term of their lease, be entitled to a renewal as respects each mine that shall then be worked by them, upon the same terms as apply to other lessees; but the renewed lease shall not include in respect of each mine worked a larger area than would be granted to other persons or companies; so that all leases of coal mines may, after the expiration of the Association's lease, stand on an equal footing as regards areas and otherwise.

In future leases barrier 10 yards in width reserved around areas.

105. In the granting of leases hereafter there shall be reserved as a barrier a space of ten yards in width running all around the area leased, which barrier shall not be opened or mined except by the consent of the owner of the adjoining area, and by the order of the Governor in Council; and in case of a mine in lands covered with water the barrier or reservation as above shall be twenty-five yards in width, and shall not be opened or mined unless by the consent of the owner of the adjoining area, and by the order of the Governor in Council.

Under water twenty-five yards.

Royalties.

106. All ores and minerals (other than gold) mined, wrought, or gotten under authority of licenses or leases granted under the provisions of this Chapter or of any Act heretofore passed by the Legislature of this Province, shall be subject to the following royalties to the Crown for the use of the Province, that is to say:

On coal.

Nine cents and seven-tenths of a cent on every ton of two thousand two hundred and forty pounds of coal, except *(a)* slack coal, that is coal that shall have passed through a screen the bars of which are not wider apart than three-quarters of an inch, *(b)* coal used for domestic purposes by the workmen employed in and about the mine, and *(c)* coal used in mining operations in and about the mine from which such coal has been gotten; and provided, that where there shall have been mined, wrought, or gotten in any one year over and above two hundred and fifty thousand tons for each square mile contained in the license or lease, besides the coal so excepted from royalty, each ton so mined above the two hundred and fifty thousand tons shall be subject to a royalty of six cents and forty-eight hundredths of a cent only.

Exceptions.

Proviso.

On iron.

Other ores.

Three cents on every ton of two thousand pounds of iron ore; and five per cent. on the value of all other ores or minerals.

Payable quarterly.

Such royalties shall be paid quarterly on the first days of January, April, July and October, in each and every year, (except where otherwise stipulated in the license or lease) and shall be paid to such persons and in such places as the Governor in Council may direct.

Under certain conditions two or more contiguous areas may be treated as one.

107. Where a lessee of mines other than gold holds leases of two or more, but not exceeding five, contiguous areas of a square mile each, such leases may be treated as a single lease, as in the case of leases of gold mines; provided, nevertheless, that payments of royalty shall be made on each square mile as if in a separate lease; and that if such lessee shall in any one year have wrought or

gotten more than two hundred and fifty thousand tons of coal, liable for royalty, from the mine or mines held under such leases, there shall be no reduction of royalty upon such surplus from nine cents and seven-tenths of a cent to six cents and forty-eight hundredths of a cent per ton, except upon so much thereof as shall in the aggregate exceed two hundred and fifty thousand tons for every square mile so included.

Quarterly returns of mines, when and how made, and how verified.

108. On or before the tenth day of each of the months of January, April, July and October in each and every year, the owner, agent, or manager of every mine (other than a gold mine) leased from the Crown, shall send to the Commissioner a correct return specifying the quantity of coal, iron ore, or other mineral wrought or gotten in such mine, the probable use and destination of the same, and the amount of royalty which has accrued upon such material extracted during the last previous quarter; and on or before the last days of January, April, July and October in each year, a correct return specifying the number of days' labor and the number of persons ordinarily employed in or about such mine below ground and above ground, and the different classes of the persons so employed, and the cost and description of all the shafts, quarries, slopes, levels, planes, works, machinery, tramways and railways, sunk, driven, opened or constructed during the preceding quarter.

Such returns shall be sworn to by two or more credible persons principally employed in or about the working and management of such mine, before the Commissioner or a Justice of the Peace.

Proceedings in case mine is not worked.

109. Where it shall be represented to, or come to the knowledge of, the Commissioner of Mines, that any mines or minerals claimed under a lease from the Crown, or under a lease granted pursuant to this Chapter, have been abandoned for the space of one year, have not been effectively and continuously worked, or have been worked only colorably, or to prevent a forfeiture under the terms of such lease, the Commissioner of Mines shall cause a notice, to the effect of the form in Schedule E, to be personally served upon the lessee, or some or one of the lessees, where more than one of them are included in the same lease, or his or their agent or person principally employed on the premises, or shall cause such notice to be posted up upon the premises leased, where no person can be found upon whom to make service thereof, informing him of such charge and appointing a time, to be not less than six months after the service or posting up of such notice, and also a

place, for the investigation thereof. At the time and place appointed, the Commissioner of Mines shall proceed to investigate such case, and decide thereon, and shall thereupon give notice of his decision to the lessee, or his agent, by causing such notice to be served, or posted up, as in this section above directed; and if, within such term of six months, the lessee or his assignee shall and do, commence and prosecute effective mining operations to the satisfaction of the Commissioner of Public Works and Mines, according to the true intent and meaning of the terms, covenants and stipulations in the lease contained, and of this section, such mining areas so leased shall not be forfeited.

Evidence as to mining operations and decision as to forfeiture.

110. No mere colorable working shall prevent a forfeiture; and the Commissioner aforesaid shall have power to examine witnesses on oath, and receive all other necessary testimony, in respect of the mining operations; and, if the decision shall be that such operations are not effective, but merely colorable, the mine or mines shall be declared forfeited, and notice of the decision shall be given in accordance with the provision in section 109.

Commissioner's decision. Form of.

111. The decision of such Commissioner shall be in the form in Schedule F; and the lessee or assignee may appeal to the Supreme Court or a Judge thereof at Chambers, against such decision; but, before an appeal shall be allowed, he shall file with the Prothonotary of the Supreme Court a bond with two sureties, to be by him approved, to abide the judgment of the Court or Judge and pay the costs, as in Schedule G.

Appeal from.

Notices how posted where areas are under water.

112. Where notices are to be posted on the premises under this Chapter, or any of the sections hereof, and the areas in respect of which the notices are to be posted shall be covered with water, the notices may be posted on the land as near as conveniently may be to the areas so covered with water.

Forfeited mine relet only on conditions determined by Governor in Council.

113. Whenever a coal mine shall become forfeited under this Chapter, such mine shall not be re-let or re-granted by the Commissioner, except upon such terms as may be determined by the Governor in Council.

Mining maps of Province, and register to be kept in Commissioner's office.

114. There shall be kept in the office of the Commissioner of Mines, maps of the different mining districts in the Province, on which shall be delineated as accurately as may be, all the areas under license or lease, as mines other than gold mines; and also a book or books, of registry, in which shall be registered all the licenses and leases of such areas, and such maps and book or books, shall be open to the inspection of the public.

Sections 86 to 114 applicable only to mines other than gold mines.

115. The provisions of the foregoing sections, from 86 to 114, both inclusive, shall apply only to mines other than gold mines.

MISCELLANEOUS.

Commissioner may lease Crown Lands in mining districts, &c., reserving rights of mining lessees, under certain conditions, &c.

116. The Commissioner of Mines may lease Crown Lands being within the limits of any proclaimed gold district, or comprising any tract within which the mines and minerals other than gold are under license or lease, for purposes other than mining; reserving always the rights of present or future lessees of mining areas therein, and subject to such other reservations, and for such terms and upon such conditions as the Governor in Council may direct; and may also sell any timber not previously disposed of, growing or being upon any part of the Crown domain, included within any such gold district, or other tract under license or lease for mines or minerals other than gold, upon such terms as the Governor in Council shall authorize and direct.

No mining lease void because not recorded in Registry of Deeds.

117. No lease granted under the provisions of this Chapter shall be void against any subsequent purchaser, mortgagee for valuable consideration, or judgment creditor, by reason of such lease not having been previously registered in accordance with the provisions of the Chapter of the Revised Statutes, "Of the Registry of Deeds and Encumbrances affecting Lands."

Governor in Council may proclaim gold districts.

118. The Governor in Council may at any time by proclamation as in this Chapter provided, declare a gold district which shall contain an area or areas under license or lease for the purpose of searching for or working mines and minerals other than gold; and in such case the areas under such license or lease shall, notwithstanding such license or lease, become subject to all the provisions of this Chapter which relate specially to all gold districts and gold mines, under such regulations as the Governor in Council shall make.

Governor in Council may make mining regulations not inconsistent with law.

119. The Governor in Council is authorized to make rules and regulations relative to gold districts and gold mines, and mines other than gold mines, and licensing and leasing the same, and to the pumping, draining, ventilation, working, management, care, possession and disposal of the same, and to all other matters connected with the same; and to make such rules and regulations general, or applicable only to particular districts or localities, as may be deemed best; and all such rules and regulations when published in the *Royal Gazette* shall have the force of law

until annulled by the Governor in Council; provided such rules and regulations shall not be repugnant to the laws of the Province, or the provisions of this Chapter; and such rules and regulations may in like manner be altered, modified or cancelled, as circumstances shall require.

Existing forms continued.

120. The forms to be used under this Chapter shall be substantially the same as those heretofore in use, subject, however, to such amendments and alterations as the Governor in Council may from time to time make or direct.

Lessee or licensee of submarine areas may tunnel from adjacent lands.

121. Any lessee or licensee of mining areas lying beneath the waters of the sea, may make or cause to be made tunnels from the adjacent land above high-water mark, under the waters, to such mining areas, doing as little damage as possible to the owners or lessees of the land in which such tunnels shall be made, and the intervening land covered with water, and the mines therein contained.

Damages, how assessed.

122. The damages of such tunnelling shall be agreed for, determined, settled and paid, as directed in this Chapter from section 17 to section 25 inclusive, and also section 95.

In case of disagreement Commissioner shall determine location, size, number, &c., of tunnels.

123. If the lessee or licensee of such mining areas cannot agree with the owner or owners of the land, or the lessee or licensee of the mining areas through which it is necessary to drive such tunnels, the Commissioner of Public Works and Mines, subject to the approval of the Governor in Council, shall determine where such tunnels shall be made or commenced, the number of such tunnels, the size, width and depth thereof, the quantity of land to be taken and occupied for the same, and the course and direction which such tunnels are to take through the intervening land covered with water, and the mines therein contained; and he shall cause a plan thereof to be made and filed in the office of the Registrar of Deeds for the county where the lands so taken for the commencement of the tunnels shall be situated.

Plan.

Mining leases in duplicate.

124. Leases of mining areas shall be issued in duplicate; and such leases shall be registered in the office of the Commissioner of Mines, by the Commissioner or some person by him thereto authorized.

Registered in Mines office.

Certificate of registry.

125. A certificate of such registry with the day and year thereof, shall be endorsed on the duplicate delivered to the lessee.

Certain existing leases to be registered.

126. All leases which have been passed prior to the passage of this Chapter, that are not void or forfeited, shall be registered and certified as above, if not already so registered.

Declaration of interest in case of several lessees.

127. In case of lease, where there are more than one lessee, a declaration in duplicate shall be made and signed under seal by all the lessees, or their heirs and assigns, stating the proportion owned by each lessee.

Proved and registered.

128. Such declaration shall be duly proved on oath before any Justice of the Peace, or the Commissioner of Mines, and registered as hereinbefore mentioned.

All transfers of interest in mines to be registered and certified.

129. All transfers of any interest in mining leases hereafter to be made, shall be registered as aforesaid; and a certificate of such registry shall be endorsed on every such transfer as in the case of mining leases; and such registry and certificate shall be conclusive evidence of the transfer of such mining interests.

Forms.

130. The forms of declaration and transfer for the purposes of this Chapter, shall be as in Schedule B and C respectively.

Every Company shall file copy of charter and list of officers with Commissioner before beginning work.

131. Every Company incorporated under this Chapter or any act of the Legislature for mining purposes, shall file a copy of their charter or act of incorporation in the office of the Commissioner of Mines, before any such company shall commence work, together with a list of the officers of such Company; and all changes of officers made shall also be certified to the office of the Commissioner of Mines; and until such certificate is filed no such new official need be recognized by the Commissioner of Mines as an official of any such company.

Description of mortgages, &c., of mines to be registered in Commissioner's office.

132. A description of all mortgages, bills of sale, attachments, judgments, transfers and documents of title of any kind (except licenses), relating to or in any way affecting the title of gold, coal or other mines shall be recorded according to Schedule D, in the office of the Commissioner of Mines; and all licenses, and a description of all mortgages, bills of sale, attachments, judgments, transfers, and documents of title of any kind affecting such licenses, shall be registered in the book of application for mining rights in the office of the Commissioner, in the same manner as such licenses and descriptions are now registered; and any such mortgage, bill of sale, attachment, judgment, transfer, or document of title shall be void as against any subsequent *bona fide* mortgage, bill of sale, attachment, judgment, transfer, or document of title which shall be previously registered.

Also licenses.

Otherwise void in certain cases.

Duplicate or certified copy to be filed.

133. A duplicate, or true copy, certified by a notary under his seal, of every transfer, mortgage, or other conveyance, registered as above, shall be filed in the office of

the Commissioner of Mines, before a Certificate of Registry is given.

If lease not executed and filed within a year areas deemed vacant.

134. If the applicant for a mining lease shall not execute such lease, and file it in the office of the Commissioner for execution and registry by the Commissioner, within one year from the time of his application, the areas shall be considered vacant, and may be leased to any other person.

Penalty for leaving pit open.

135. Any person leaving any pit, hole, or excavation, for the space of eight days, open, and unfilled to the depth of three feet or more, without having the same walled or fenced around, at least four feet in height, at all times when not working the same, shall forfeit for each offence a sum not exceeding one hundred dollars, to be recovered by any person who will sue for the same.

Each day a distinct offence.

136. Parties violating the provisions of the preceding section shall be guilty of a distinct offence for every day that such pit, hole or excavation shall remain open and unfilled, or without the proper wall or fence.

Commissioner and deputies may cause witnesses to be sworn.

137. The Commissioner shall have power to cause witnesses brought before him in all contested cases or matters, which he has power to investigate and decide, to be examined under oath, which oath the Commissioner is hereby empowered to administer; and like powers are hereby conferred on Deputy Commissioners in all contested cases and matters before them which they have power to investigate and decide; and the Commissioner and Deputy Commissioners shall have power to take affidavits under oath; and to administer the oath in all such cases, and to administer oaths in all cases where affidavits are required by this Chapter, except where such oath is required to be administered by a Commissioner of the Supreme Court. The Chief Commissioner or any Deputy Commissioner shall not receive any application for license or lease of any mines or mining areas, the right to a license or lease of which is at the time of such application in dispute before the Commissioner or Deputy.

No application to be received for mining rights in dispute before Commissioner or deputies.

Royalties how collectable, where unpaid.

138. Where royalties are due and owing to the Crown, the Governor in Council shall have power to order the Commissioner of Mines to issue a warrant under his hand and seal of office directed to the Sheriff of the county where the mine in respect of which such royalties are due is situated, requiring such Sheriff immediately on receipt thereof to levy on the goods and chattels used in working and operating such mine; and if, within the space of twenty days next after such levy, such royalties so due

are not paid to such Sheriff, to proceed to sell the same or so much of such goods and chattels as shall be sufficient to pay such royalties and his fees; first having publicly advertised the same for the space of not less than ten days before such sale; and to make return of such warrant, and pay over the sum due for such royalties to the Commissioner of Mines within thirty days from the issuing thereof. Upon the receipt of such order the Commissioner shall issue such warrant, and deliver the same to such Sheriff, who shall immediately execute the same according to the exigencies thereof; and the Sheriff's fees on such execution shall be the same as for executing a writ of execution out of the Supreme Court in a civil suit.

On what days leases shall terminate. New leases grantable next day.

Proviso.

139. Leases and licenses shall terminate, on the recurrence of the day on which they bear date, in the year of their termination; and, after ten of the clock of the forenoon of the following day, the areas may be leased or licensed anew; but nothing contained in this section shall prevent the renewal and extending of licenses and leases as hereinbefore provided.

Change of ownership of mining leases in certain cases to be authenticated by declaration.

140. If any lease or ~~any share or interest~~ therein becomes transmitted or transferred in consequence of the death, bankruptcy or insolvency of any lessee, or in consequence of the marriage of any female lessee, or by any means other than a transfer according to the provisions of this Chapter, such transmission or transfer shall be authenticated by a declaration of the person to whom such lease or share or interest therein has been transmitted or transferred, stating the circumstances of such transmission or transfer, and describing the manner in which, and the person to whom, such property has been transmitted or transferred; and such declaration shall be made before the Commissioner, Deputy Commissioner of Public Works and Mines, or a Justice of the Peace.

Evidence to accompany such declaration.

141. If such transmission or transfer shall have taken place by virtue of the bankruptcy or insolvency of any lessee, such declaration shall be accompanied by such evidence as may, for the time being, be receivable in courts of justice, as proof of the title of persons claiming under any bankruptcy or insolvency; and if such transmission has taken place by virtue of the marriage of a female lessee, such declaration shall be accompanied by a copy of the register of such marriage or other legal evidence of the celebration thereof, and shall declare the identity of such female lessee; and if such transmission shall have taken place by virtue of any testamentary instrument or by

intestacy, then such declaration shall be accompanied by the probate of the will or the letters of administration, or any copy thereof that may be legal evidence or would be received in courts of justice as proof of such transmission.

Commissioner to register name of new owner.

142. The Commissioner of Mines, upon the receipt of such declaration so accompanied as aforesaid, shall enter the name of the person entitled to the lease or any share or interest therein, under such transmission or transfer, in the books of registry, as so entitled thereto.

Alternative title of chapter allowed.

143. This Chapter may be legally known and cited as "An Act to Consolidate the Statutes relating to Mines and Minerals," when necessary, as well as by its regular title.

SCHEDULE A.

This Indenture, made this —— day of ——, in the year of our Lord one thousand eight hundred and—————— between the Queen's Most Excellent Majesty, of the one part, and ———, hereinafter described as lessee, of the other part:

Witnesseth, That in consideration of the royalties hereby reserved, and of the covenants and agreements herein contained, and on the part and behalf of the said lessee, his executors, administrators and assigns, to be observed and performed, our Sovereign Lady the Queen, of her special grace, certain knowledge and mere motion, doth grant and demise unto the said lessee, his executors, administrators, and assigns, all that certain tract of land situate at ——— gold district, in the County of ———, known and described as follows, that is to say:

An area, composed of —— area of class number one, and numbered —— on the plan of said gold district, signed by the Commissioner of Public Works and Mines, and filed in his office, as by reference to the same will appear:

And also, all and singular the beds, veins, and seams of gold, gold-bearing quartz, and other gold-bearing rocks, and gold-bearing earth, and all the gold, whether in quartz, grain, or otherwise, in, situate, and being within the limits of the said tract, and within, under, or upon the same: Provided always, and it is the true intent and meaning of these presents and of the parties hereto, that nothing herein contained shall in any manner interfere with any of the rights of the owner or owners of the land in which such area situated, but the said rights are reserved unto the said owner or owners, their heirs and assigns; and it is further agreed and understood that the said lessees shall not enter into the said area without the special leave and

license of the owner or owners thereof, unless the said lessee shall have taken proceedings in accordance with Chapter 9 of the Revised Statutes, "Of Mines and Minerals:"

To Have and To Hold the said tract of land, and the said beds, veins, and seams of gold, and gold-bearing quartz, and all other the gold-bearing rocks, and gold-bearing earth, and gold whether in quartz or otherwise, in, under, and upon the same, to the said lessee, his executors, administrators, and assigns, for, during, and unto the full end and term of twenty-one years, to commence and be computed from the —— day of ———, and fully to be completed and ended: yielding and rendering unto our Sovereign Lady the Queen, her heirs and successors, quarterly and every quarter upon the first days of January, April, July and October, in each and every year during the continuance of this demise, at the office of the Commissioner of Public Works and Mines, at Halifax, or of the Deputy Commissioner of Mines for the district, a royalty of two per cent. upon the gross amount of gold obtained, mined, had, wrought, or gotten from or out of the said demised premises, or out of any quartz, slate, rock, mineral, or earth mined, obtained, had or gotten out of the same in any other way than from quartz crushed by licensed mills, at the rate of nineteen dollars per ounce Troy, for smelted gold, and eighteen dollars for unsmelted gold:

And the said lessee does hereby covenant, promise and agree to and with our said Sovereign Lady the Queen, her heirs and successors, that the said lessee, his executors, administrators, and assigns, shall and will well and truly pay and deliver, or cause to be paid and delivered, to our Sovereign Lady the Queen, her heirs and successors, at the times and places and in the manner aforesaid, the said royalty hereby reserved under the terms and provisions of this lease:

And also, That the said lessee, his heirs, executors, administrators, and assigns, shall and will during the continuance of this demise, keep or cause to be kept, one or more book or books of account, wherein true entries shall be made of all such gold and gold-bearing quartz, and other rock containing gold, and all gold in grain or otherwise, as shall from time to time be mined, wrought, had, gotten, or obtained out of the said demised premises, and also of the names of the men actually employed in the working of the said demised premises, and the number of days' labor performed by such men, with the respective dates thereof; and also the names of the person or persons to whom any quartz or gold-bearing earth, or other gold-bearing material raised from the demised premises has been sold or disposed of, with the price or the per centage upon the yield thereof,

received therefor, and also the weight of any quartz, or other gold-bearing material raised from the demised premises, which may be sent to any licensed mills for crushing quartz, the name and description of the mill to which the same has been sent, and also the yield of gold from such quartz or other material, as returned by the mill owner; and also, that such book or books of account shall at all times be open and subject to the inspection and examination of the Commissioner of Public Works and Mines, or of the Deputy Commissioner of the district, or of the Inspector of Mines, and also of any other person or persons thereto specially appointed by the Commissioner of Public Works and Mines for the time being; and also that the said lessee, his executors, administrators or assigns, shall upon the first days of January, April, July and October in each and every year during the continuance of this demise, deliver or cause to be delivered to the Commissioner of Public Works and Mines at Halifax, or to the Deputy Commissioner of Mines for the district, a true and correct return on forms to be supplied by the Commissioner, which shall show the particulars prescribed and required by the sixty-second section of Chapter 9 of the Revised Statutes, "Of Mines and Minerals," verified by an affidavit of some one or more suitable person or persons employed in or about the working or management of the mines hereby granted and demised, made before the Commissioner of Mines, or a Deputy, or before a Justice of the Peace; and shall in all respects obey, abide by, perform and fulfil all the requirements of the said Chapter:

And likewise, That the said lessee shall annually cause to be employed on the demised premises so many men as shall make the whole labor performed thereon during the year, in opening and working the said mines, amount in all to the number of —— hundred days' labor; and also shall and will, during the continuance of this grant or demise, work the said mines in a good and workmanlike manner; and shall and will, from time to time, and at all times during the continuance of this grant or demise well and effectually maintain and support all and every the working-pits, shafts, levels, drifts, and water-courses of and belonging to the said mines with all such timber and deals and other materials as shall be requisite or necessary for that purpose, and so as to prevent the same and roofs of the said mines from falling in or being otherwise damaged; and shall and will at the end or other sooner determination of the said term, peaceably and quietly yield and deliver unto the Commissioner of Public Works and Mines, or the Deputy Commissioner of the district, or such other person or persons

as the Lieutenant-Governor for the time being shall appoint under his sign-manual to receive and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, foundries, railroads, implements, houses, and buildings as shall not be attached to the free-hold, in such good order, plight and condition, as fairwrought mines ought to be left, with such timber, deals, and other material as aforesaid, (such mines as during the term hereby granted shall be abandoned by reason of their being unproductive only excepted): Provided always, and it is hereby agreed and declared, and the said lessee, for himself, his heirs, executors, administrators and assigns, doth acccept this grant or demise under the condition that in case default shall be made by the said lessee, his executors, administrators or assigns, in keeping such book or books of accounts, or in making such entries therein, or in delivering such affidavit or affidavits as aforesaid, or in payment of the said royalties hereby reserved for the space of ten days after the periods herein before appointed for paying the same, or in the keeping annually employed on the demised premises the amount of labor herein above specified; or if the affidavits hereinbefore set forth and required to be made shall be false and fraudulent, or any other covenant herein contained shall not be kept and observed, then, and in every or any or either of the said cases, these presents, and all and every the powers and privileges hereby granted shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding:

Provided always, nevertheless, that it shall and may be lawful for the said lessee, his executors, administrators and assigns, at any time or times hereafter, when so minded, to give notice in writing, and file the same in the office of the Deputy Commissioner of Mines of the district, or of the Commissioner of Public Works and Mines in any district where there is no Deputy, setting forth that he is desirous of surrendering this lease; and in such case, so soon as any such notice shall be so filed in the office of the Commissioner of Public Works and Mines the interest and estate of the said lessee in the demised premises shall forthwith revest in her said Majesty, and the said lessee, his executors, administrators, or assigns, shall thenceforth cease to have any interest therein, or to be liable under the terms and provisions of this lease for any royalty, except the royalty on gold mined or obtained up to the date of said surrender or in any other way than from quartz crushed at licensed mills:

Provided also further, And it is the true intent and meaning of these presents, that the said lessee, his execu-

tors, administrators, or assigns shall continue and remain liable under the conditions of this lease for and in respect of any matter or thing herein or hereby covenanted to be done or performed, and for which a liability shall have existed at the date of such surrender, and also shall continue and remain liable for all royalty due as last above mentioned at the date of said surrender.

In witness whereof, Our said Sovereign Lady the Queen has caused ———, Commissioner of Public Works and Mines for the Province of Nova Scotia, to subscribe his hand and seal of office to this Indenture, and the said lessee has subscribed his hand and seal thereto.

Signed, sealed, and delivered, by the said Commissioner of Public Works and Mines in presence of ——— } [L. S.]

By the said lessee, in presence of ——— [L. S.]

SCHEDULE B.

We ———, of ———, in the County of ———, do hereby declare that we are the legal owners under lease, No. ——, district ——, dated the —— day of ———, A. D. 18—, of —— shares in said lease mentioned.

Given under our hands and seals, this —— day of———, A. D. 18—.

———

Personally appeared before me, ———, of ———, who, being sworn, says that ——— duly signed the foregoing declaration in his presence.

Sworn before me, at———
this —— day of ———, A. D. 18—. }

SCHEDULE C.

Know all men by these presents that I, ———, of ———, in the County of ———, in consideration of ——— dollars to me in hand, well and truly paid by —— of ———, have sold, assigned, transferred, and set over, and by these presents do sell, assign, transfer and set over to ——, of ———, his executors, administrators, and assigns, ——— shares owned by me under mining lease No. ——, in gold district ——— To have and to hold the same to the said ——— his executors, administrators, and assigns.

In witness whereof I have hereunto set my hand and seal, this —— day of ———, A. D. 18—.

Signed, sealed, and delivered, in presence of ——— }

Personally appeared before me, ———, of ———, who, being sworn, says that —— duly signed the above transfer in his presence.

Sworn before me, at ———
this —— day of ——— A. D. 18—.
J. P.

SCHEDULE D.

DISTRICT.

No. of Lease.	Date of Lease.	Date of Issue.	Date of Registry.	Description.

To whom leased.	Shares or parts.	To whom leased.	Shares or parts.

No.	By whom sold.	Shares or parts.	Date of Registry.	Conveyance.	To whom sold.

SCHEDULE E.

To A. B. and C. D., lessees of certain mining areas, by virtue of a lease from Her Majesty the Queen to ——— bearing date the ——— day of ——— A. D. 18—, *(or, if the lease has been assigned,* to A. B. and C. D., assignees of the lessees of certain, &c., &c., *as above.)*

Whereas it has been represented and come to the knowledge of the Commissioner of Public Works and Mines, that the mines and minerals in the said lease described and conveyed, have been abandoned for the space of one year, have

not been effectively or continuously worked, or have been worked only colorably, and that the lessee or lessees (or their assignees) have failed to comply with the terms, covenants and stipulations in the lease contained:

You are hereby notified that the said charge or complaint will be investigated before me, at my office in the Province Building, at Halifax, on the —— day of ———, in the year of our Lord one thousand eight hundred and ———.

Dated the —— day of ———, A. D. 18—.

E. F.,
Commissioner of Public Works and Mines.

SCHEDULE F.

In pursuance of a notice duly served on the lesseee or lessees *(or* assignees *as the case may be)*, under a lease of certain mining areas, situate and being at ———, in the County of ———, made between the Queen of the one part, and A B and C D of ——, &c., of the other part, and dated the — day of ——, A. D. 18—. I have examined into the matter of complaint against the said lessee or lessees *(or* assignees, *&c.,)* for not working the said mining areas effectively and in accordance with the terms, covenants and stipulations in the said lease contained, and the true intent and meaning of the laws in such case made and provided; and on due consideration after the examination of witnesses and the facts of the case, I being satisfied that the charge has been fully made out, have decided and declared, and by these presents do decide and declare, the said mining areas, and every part and parcel thereof, to be forfeited.

Witness my hand at Halifax, this —— day of ———, A. D. 18—.

E. F.,
Commissioner of Public Works and Mines,
Or G. H. Deputy Commissioner of Mines.

SCHEDULE G.

Bond to the Queen and her successors in penalty of $600.

Whereas the Commissioner of Public Works and Mines hath by a decision dated the —— day of ——, A. D., 18—, decided and declared certain mining areas, formerly leased to A. B and C. D., by lease dated the —— day of ———, A. D. 18—, forfeited, and the above bounden G. H., J. K.,

&c., have appealed against the said decision to the Supreme Court *(or* a Judge of the Supreme Court, *as the case may be.)*

Now the condition of this obligation is such that if the said G. H., J. K., &c., do and shall obey and abide by the judgment that shall be given herein, and shall well and truly pay all costs which they may be adjudged to pay in the premises, then this obligation shall be void, otherwise the same shall remain in force.

Signed, sealed, and delivered in presence of } G. H. (L. S.)
J. K. (L. S.)

CHAPTER 5, OF ACTS OF 1874.

An Act to amend the Law relating to Mines and Minerals.

(Passed the 7th day of May, A. D., 1874.)

Be it enacted by the Governor, Council and Assembly, as follows:

All lessees of mining areas, other than gold, to place posts or monuments at corners of areas, within year or six months.

1. All lessees of mining areas other than gold mining areas, heretofore leased by the Crown, shall within one year from the passing of this Act, and all lessees of such areas under leases issued after the passing of this Act, shall within six months after the issuing of such leases, place or cause to be placed at each and every corner of the areas contained in their respective leases a post or monument of stone or other durable material, of such size, nature and character as the Commissioner of Public Works may hereafter determine.

Marks on posts or monuments.

Proviso as to submarine areas, &c.

2. Each post or monument shall have distinguishing letters or a suitable inscription cut or marked thereon, designating the corner where placed. Provided always, that, in cases of areas, any corners of which are covered with water, or where the placing of such posts or monuments at such corners would cause private or public inconvenience, it shall be lawful and requisite for the lessees, with the consent of the Commissioner, to place such posts or monuments on the land adjoining such corners, in such positions as shall be approved by the Commissioner.

Manner of placing posts, &c., notices and survey.

3. The area of each lease shall be defined as herein required according to the priority of the granting of such lease; and the lessee of the area first leased shall give to the lessees of the adjoining areas or their agents a written notice that on a day named—to be not less than ten days after the service of such notice—a survey will be made for

the purpose of establishing the boundaries of the area and placing the posts or monuments required by this Act. Such survey shall be made by a sworn surveyor, whose appointment shall be sanctioned by the Commissioner; and such surveyor shall make a return of such survey with an accurate plan thereof to the Commissioner.

After forty days, boundaries confirmed.

4. If within forty days after such return has been made by the surveyor to the Commissioner, no complaint be made to the Commissioner that the boundary lines of the area as so defined are not in accordance with the lines as originally defined, the boundary lines of the area as so defined by the surveyor shall, as between the lessees, be held to be the true and correct boundary lines of the area.

If boundaries not established, Commissioner may cause areas to be defined.

5. If within the year above mentioned, from disagreement or otherwise, such boundary lines are not established and defined as required by this Act, the Commissioner may cause a survey to be made and the area to be defined as hereinbefore required; and the boundaries so established shall be held to be finally determined.

Expenses, by whom paid.

6. The expenses of all such surveys and of the placing or erection of all such posts or monuments as required by this Act shall be paid by the lessees of the areas defined; and, where such surveys are made and such posts or monuments are established by virtue of the next preceding section, such expenses may be sued for and recovered from the lessees in the name of the Commissioner, as an ordinary debt of like amount.

How recovered in certain cases.

Monuments, by whom, when and how replaced.

7. Each monument or post, as often as it shall be destroyed or removed, shall be replaced by the lessee at his own expense within one month after he shall be so required by the Commissioner; and the proceedings therefor shall be the same as hereinbefore required for the original definition of the area.

Damage paid to owner of land.

8. Where the lessee is not the owner of the land included in the area leased, and on which the boundary posts or monuments are required to be placed, he shall be at liberty to set them up on such land, but shall pay the proprietor for the damage caused thereby.

Damages, how ascertained in case of dispute.

9. If the proprietor and the lessee cannot agree on the amount of such damages, the lessee may call on any three disinterested Justices of the Peace for the County in which the area is to appraise the same. The Justices so called upon shall forthwith appraise such damages; and their award or that of any two of them shall be final.

Appraisers' fees.

10. Each of such Justices of the Peace shall be entitled to one dollar a day for the time actually and necessarily employed in making such appraisement, besides travelling fees at the rate of ten cents per mile to be computed from the residence of the Justice to the place where the appraisement is made; such pay and travelling fees to be paid by the lessee.

Penalty for not erecting or replacing monuments.

11. Any lessee neglecting to set up such posts or monuments or to renew or replace the same when removed or destroyed, as required by this Act, shall forfeit a sum not exceeding one hundred dollars for every such post or monument he shall neglect to set up or replace.

Penalty for destroying, &c., monuments.

12. Any person wilfully destroying, defacing, injuring or removing any such post or monument, or attempting so to do, shall forfeit a sum not exceeding one hundred dollars for each offence.

Penalties, where and how recovered.

13. Any penalty under this Act shall be recovered in the name of the Commissioner, before two Justices of the Peace for the County wherein the offence is committed, in the same manner as an ordinary debt.

Section 25 of Chapter 9, R. S., amended.

14. The words following are added at the end of the twenty-fifth section of Chapter 9, of the Revised Statutes, Fourth Series, "Of Mines and Minerals," heretofore the thirtieth section of Chapter 1, of the Acts of 1869, entitled, "An Act to consolidate the Statutes relating to Mines and Minerals," that is to say: "Where an agreement cannot be made with the owner of the land for any such subsequent damages, the holder of the lease may proceed to have them referred to arbitration in the manner provided and set forth in this and preceding sections with reference to the assessment of damages to lands and for entry."

Subsequent damages, how ascertained, in case of dispute.

CHAPTER 11, OF ACTS OF 1875.

An Act to amend Chapter 9 of the Revised Statutes, "Of Mines and Minerals."

(Passed the 6th day of May, A. D., 1875.)

Be it enacted by the Governor, Council and Assembly, as follows:

Gold Lease not forfeitable where certain amount of work done.

1. When the lessee named in any lease of gold mining areas, or the assignee of such lessee, or such lessee and assignee, together shall have performed and fulfilled the

requirements of section 29 of the chapter hereby amended, in respect to the labor to be employed on the premises demised in and by such lease for the period of ten years, or shall have employed labor on such premises equivalent to the labor required by such section to be performed thereon for such period; such requirements shall be taken and held to have been fulfilled for the full term of such lease, and such lease shall not be liable to forfeiture for noncompliance with such requirements during the remainder of such term.

Proof required of labor.

2. The lessee or assignee shall prove to the satisfaction of the Commissioner of Public Works and Mines, by affidavits sworn before such Commissioner or a Justice of the Peace, or by the returns required by section 62 of the chapter hereby amended, that such requirements have been so fulfilled or that the labor so required has been employed on such demised premises, before he shall be entitled to the benefit of the preceding section.

Certificate, how given.

3. When it shall be proved, as prescribed by the second section of this Act, to the satisfaction of such Commissioner, that such requirements have been complied with and fulfilled in the manner mentioned in the first section, the Commissioner shall grant a certificate under his hand and seal to such lessee or assignee, certifying that the requirements of section 29 of the chapter hereby amended have been complied with for the period of ten years, and that such lease is no longer forfeitable for noncompliance with the requirements of such section 29 during the remainder of the term of such lease; and such certificate shall be registered in the book of registry in the mines office.

Registry.

Section 67 amended.

4. Section 67 of such chapter is amended by inserting between the word "found" and the word "upon" in the thirteenth line of such section, the words following: "in the gold district where such premises lie, or (in case the leased premises are not within a proclaimed gold district) in the polling district in which such premises are situated."

Inconsistent law repealed.

5. So much of the chapter hereby amended as is inconsistent with this Act is repealed.

CHAPTER 15, OF ACTS OF 1878.

An Act to amend Chapter 9 of the Revised Statutes, "Of Mines and Minerals."

(Passed the 4th day of April, A. D., 1878.)

Be it enacted by the Governor, Council and Assembly, as follows:

Section 106 amended.

1. Section 106 of the said Act is amended, by inserting after the words "iron ore," "ten cents on every ton of two thousand pounds of copper ore."

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